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Summary

In its work addressing the needs of vulnerable and disadvantaged groups, including indigenous peoples, the United Nations Human Settlements Programme (UN-HABITAT) receives guidance from the Habitat Agenda and all other international instruments and frameworks related to economic and social development and human rights. UN-HABITAT, focusing on inclusiveness in human settlements and social integration and the realization of housing rights, undertakes its activities related to indigenous peoples within three initiatives, the Global Campaign on Urban Governance, the Global Campaign for Secure Tenure and the United Nations Housing Rights Programme. In response to the outcome of and requests made at the first session of the Permanent Forum on Indigenous Issues, UN-HABITAT, jointly with the Office of the United Nations High Commissioner for Human Rights, is undertaking a specific research project on indigenous people's right to housing. The objective of the study is to identify the current status of, obstacles to and practical solutions for greater protection and promotion of housing rights of indigenous peoples. Specific attention will be paid to the various elements of the right to adequate housing, such as security of tenure, accessibility, affordability and cultural adequacy, which will be analysed in the context of indigenous peoples. The principles of equality and non-discrimination will be linked to each of those elements throughout the research. The study will provide a compilation of information, an analysis of the existing situation and a forward-looking perspective on actions at various levels, which can contribute to improvements in the lives of indigenous peoples, particularly indigenous women. The study will not only analyse existing relevant instruments related to adequate housing and indigenous peoples but will also

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review and analyse how they could be linked. It will address also such issues as whether there is a need for developing new norms or interpretation of relevant rights. Beneficiaries of the study will be policy makers dealing with the rights of indigenous people in general and housing rights in particular, researchers, practitioners and organizations involved in related issues. Ultimate beneficiaries will be the indigenous people, particularly indigenous women, who may be able to use the findings and recommendations of the research report for the improvement of their living conditions.

I. Background and general context

1. The United Nations Human Settlements Programme (UN-HABITAT) supports and advances the principles of a human rights-based approach and framework for development and the principle that the right to development and other economic social and cultural rights are inalienable human rights, whereby every person and all peoples are entitled to participate in, contribute to and enjoy the benefits of development. UN-HABITAT works towards that goal, with a focus on increasing inclusiveness and social integration and the realization of housing rights as an effective means of improving living conditions in human settlements.

2. Within that approach and framework, UN-HABITAT receives guidance from the human rights treaties and their supervisory bodies, above all from the Habitat Agenda, to promote the well-being of and to protect the urban poor and vulnerable and disadvantaged groups, including protecting indigenous peoples' rights to land, housing and property and other economic resources.

3. The Habitat Agenda addresses issues of indigenous peoples extensively: 14 of the total 241 paragraphs in the Habitat Agenda make reference to the topic, elaborating on current conditions and needed actions. In particular, paragraph 122 provides extensive guidance to Governments and leaders of indigenous communities in order to promote the continuing progress of indigenous peoples and ensure their full participation in the development of the rural and urban areas in which they live, with full respect for their cultures, languages, traditions, education, social organizations and settlement patterns.

4. With those objectives and guidance and through its diverse activities, UN-HABITAT seeks to raise the awareness and enhance the capacity of central and local government policy makers and stakeholders so that housing, land, property and other socio-economic issues can be addressed in more effective measures related to the promotion, protection and fulfilment of human rights of all populations, including the urban poor, vulnerable and disadvantaged groups, and indigenous peoples who live in human settlements. Particular focus is placed in that process on the needs of indigenous women, who in many cases and societies do not enjoy the same status and benefits as men.

5. Since the United Nations Conference on Human Settlements (Habitat II), held in 1996, UN-HABITAT has intensified its activities on issues related to inclusive cities and the realization of human rights in general and housing rights in particular, with special focus on the rights of the poor and, vulnerable and disadvantaged groups, including indigenous peoples living in human settlements. Actions of UN-HABITAT relevant to those contexts are implemented as part of and contribution to its two global campaigns: the Global Campaign on Urban Governance and the Global Campaign for Secure Tenure.

Global Campaign on Urban Governance

6. UN-HABITAT has launched the Global Campaign on Urban Governance with a strategic focus on urban poverty reduction. The Campaign is the product of an emerging consensus that the quality of urban governance has a tremendous impact on poverty reduction efforts. Many local authorities, for example, control issues related to the access, cost and regulation of land-use, housing, infrastructure and basic services. They are also responsible for local economic development, including

the informal sector. Moreover, the ability of the urban poor and vulnerable and disadvantaged groups, including indigenous peoples, to participate effectively in local decision-making processes has a considerable impact on whether strategic plans are designed and implemented to address their needs and interests.

Global Campaign for Secure Tenure

7. The Global Campaign for Secure Tenure, which was launched in July 2000, is an advocacy instrument of the United Nations designed to promote the rights of the urban poor and other vulnerable and disadvantaged groups, including indigenous peoples, to participate in processes of settlement upgrading and urban development. By promoting the application of secure forms of tenure and by encouraging negotiation as an alternative to forced eviction, the Campaign strengthens collaboration between Governments at all levels and the urban poor and vulnerable and disadvantaged groups, including the indigenous peoples. Secure tenure is regarded as a strategic entry point to eradicate urban poverty. With security of tenure, people living and working in informal settlements are more likely to invest their own resources in shelter and basic services, and to make claims on public investment and attract private investment. Furthermore, security of tenure promotes the integration into society as urban citizens of slum dwellers in general and of urban poor and vulnerable and disadvantaged groups, including indigenous peoples, in particular.

United Nations Housing Rights Programme

8. In support of the above activities and in collaboration with the Office of the United Nations High Commissioner for Human Rights and in compliance with resolution 16/7 of the Commission on Human Settlements and resolutions 2001/28 and 2001/34 of the Commission on Human Rights, UN-HABITAT has initiated the United Nations Housing Rights Programme. The primary objective of the Programme is to promote and contribute to the global process of the full and progressive realization of the human right to adequate housing for the urban poor and vulnerable and disadvantaged groups, including indigenous peoples.

9. Ir addition to a general focus on the right to adequate housing for all, the Housing Rights Programme has a particular focus on the rights of vulnerable and disadvantaged groups, including indigenous peoples. Furthermore, one of the immediate objectives of the Programme is to promote awareness of and effective measures concerning the gender dimensions of the right to housing. The promotion and protection of indigenous women's equal right to housing, land and property is an integral part of that objective. Although research on the rights of indigenous peoples has to date focused mainly on their land rights, there still is a need to identify to what extent indigenous peoples' housing rights are recognized and implemented.

II. Current focus and activities

10. As noted by the Executive Director of UN-HABITAT during her address to the Forum at its first session, the United Nations Housing Rights Programme, which is implemented jointly by UN-HABITAT and the Office of the United Nations High

Commissioner for Human Rights, has initiated a study on indigenous peoples' right to housing. The study is expected to be completed by the end of 2003.

11. The objective of the study is to identify the current status of, obstacles to and practical solutions for greater protection and promotion of housing rights of indigenous peoples. Specific attention will be paid to the various elements of the right to adequate housing, such as security of tenure, accessibility, affordability and cultural adequacy, which will be analysed in the context of indigenous peoples. The principles of equality and non-discrimination will be linked to each of those elements throughout the research. The study will provide a compilation of information, an analysis of the existing situation and a forward-looking perspective on actions at various levels, which can contribute to improvements in the lives of indigenous peoples, particularly indigenous women. A team has been jointly organized in UN-HABITAT and the Office of the High Commissioner to work on the initiative, and a consultant has been engaged to work specifically on the topic.

12. Beneficiaries of the study will be policy makers dealing with the rights of indigenous peoples in general and housing rights in particular, researchers, practitioners and organizations involved in related issues. The ultimate beneficiaries will be the indigenous peoples, particularly indigenous women, who may be able to use the findings and recommendations of the research report for the improvement of their living conditions.

13. The study will undertake a review of the conditions of indigenous peoples and will include a focus on indigenous women's equal rights to adequate housing. Utilizing UN-HABITAT and Office of the High Commissioner literature related to land, housing, property and inheritance rights, the study will also review other United Nations and above all non-United Nations sources. In addition, a questionnaire on the research topic will be prepared and sent by the Office of the High Commissioner to the networks/organizations of indigenous peoples. Furthermore, indigenous peoples' networks in the geographical or subject areas of focus will be contacted as much as possible, and interviews will be carried out with men and women representatives of such networks, as well as any other relevant experts and organizations.

14. The study will not only analyse existing relevant instruments related to adequate housing and the indigenous peoples but will also review and analyse how they could be linked. It will also address such issues as whether there is a need for developing new norms or interpretation of relevant rights. Within that context, the study will focus on the following main points:

- The concept "indigenous" will be analysed in the context of both developing and developed countries. Case studies will be presented for all major regions, including Africa, Asia, Australia, New Zealand, Europe, North America and South America.
- Particular focus will be placed on human settlements and exclusion (different sized settlements, such as metropolitan regions, medium-sized cities, small settlements, including rural settlements, and specific situations to indigenous peoples, such as "on reserve" and "of reserve").
- When addressing the right to housing, cultural adequacy dimensions will specifically be elaborated.

- Evictions, particularly development-based evictions in the context of indigenous peoples will be analysed.
- Documentation of good and bad practices regarding indigenous peoples' right to adequate housing (research findings and evaluation of those findings in the local and national context will be the baseline for the evaluation. Major policy/information documents related to the topic, such as the general comments of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, the Habitat Agenda and the United Nations Human Rights Programme programme document, also provide a guiding framework for that purpose).
- A review and analysis will be carried out of international instruments and related standards related to indigenous peoples, including indigenous women, in particular with respect to their housing rights. The review should include an assessment of possible shortcomings and areas where new instruments may be required.
- A review and analysis will be carried out of existing national legislation that promotes and protects indigenous peoples' rights to housing, including land and property.
- The existence will be studied of discrimination in law and policies and practices against indigenous peoples in general and indigenous women in particular with respect to access to and control over land, housing, property and inheritance.
- During the course of the study, available disaggregated statistical data on indigenous peoples will be compiled and analysed vis-à-vis the rest of the population to provide an overall picture of the discrimination/exclusion confronted by indigenous peoples.
- Other initiatives will be analysed, relating to the eradication of discriminatory practices against indigenous peoples, particularly women, with respect to the recognition and implementation of their housing rights.
- It is important to link the housing rights of indigenous peoples with the question of the status of land rights, especially where indigenous land has been nationalized or expropriated in the name of national interests, which in many cases may have resulted in forced evictions and displacement of indigenous peoples not only from their land but also from their houses. It is also important to analyse both the privatization and the nationalization of land and their effects on the right to housing.

III. Relation of UN-HABITAT activities to issues emphasized at the first session of the Forum requiring action from United Nations organizations and bodies

15. As explained in sections I and II above, UN-HABITAT is addressing most of the issues raised in the first session of the Forum within its general activities aimed at improving living conditions of the poor vulnerable and disadvantaged groups, including indigenous peoples, as well as through its specific research initiative on indigenous peoples' right to housing undertaken within the United Nations Housing

Rights Programme implemented jointly with the Office of the United Nations High Commissioner for Refugees. That initiative was developed in response to chapter I, paragraphs 3 (a) and 25 (e) and (h) of the report of the Forum on its first session. The study will also contribute to the United Nations system-wide work as defined and requested in chapter I, paragraphs 3 (a), 3 (b), 3 (c), 8 and 24, of the same report, and to the requirements of paragraph 5 of General Assembly resolution 57/191.

16. As to its general contribution, it should be noted that UN-HABITAT is emphasizing the need for disaggregation of data in its work so as to more effectively address the needs of vulnerable and disadvantaged groups including indigenous peoples. Indeed, the current specific research project on indigenous peoples' right to housing, and the planned information and data-collection activities regarding monitoring and evaluation of progress on Millennium Development Goals, particularly target 11 on slums, aim specifically at the disaggregation of data.